

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CREATIVE GIFTS, INC., et al.,

Plaintiffs,

vs.

Civ. No. 97-1266 LH/WWD

UFO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiffs' Motion to Extend Deadline to File Dispositive Motions and Serve Pretrial Order [Docket # 86] filed June 29, 1998. The reason for the extension being sought is that Plaintiffs would like to defer their summary judgment motion until after the Court rules on their motion to dismiss and to strike which is set for hearing on August 13, 1998. As Plaintiffs imperfectly state, "the Court's ruling on such Motion will have an affect [sic] on what summary judgment motions Plaintiffs will file...." Defendants' response to the motion to extend deadlines acknowledges that there is a "need for some time to act on the outcome of the 8/13/98 hearing...." Defendants go on to suggest a four week extension instead of the two months sought by Plaintiffs; however, Defendants indicate that they are not opposed in principal to the extension of two months if the Court finds such an extension is reasonable.

DISCUSSION.

Were I no so familiar with the unfortunate history of the interactions between the parties, I would be tempted to ask, "Why am I being asked to rule on this matter." This is a classic situation where the parties might be expected to reach an agreement. A month from Judge

Hansen's ruling is long enough. Plaintiffs' counsel sell themselves short by asking for more time than they reasonably need.

WHEREFORE,

IT IS ORDERED that Plaintiffs shall serve and file any summary motions in this cause on or before the thirtieth day from Judge Hansen's ruling¹ on their Motion to dismiss Certain counterclaims and to Strike Certain Affirmative Defenses.

IT IS FURTHER ORDERED that a new scheduling order will be entered when the precise date of Judge Hansen's ruling is known.


UNITED STATES MAGISTRATE JUDGE

¹ If the ruling is made at the hearing, the time starts to run as of August 13, 1998.